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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,762	04/20/2001	Michael A. Lucarelli	96135CON2	2818

7590

08/13/2002

Cabot Corporation  
Law Department  
157 Concord Road  
Billerica, MA. 01821

EXAMINER

RAJGURU, UMAKANT K

ART UNIT

PAPER NUMBER

1711

7

DATE MAILED: 08/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

1.D

# Office Action Summary

Application No.		Applicant(s)	
Examiner		Group Art Unit	

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on May 06, 2002 (paper no 6)
- ☒ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-23 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-23 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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### DETAILED ACTION

1. An amendment (paper no. 6) has been filed on May 7, 2002.
2. Claims under examination are still ~~1-23~~ <sup>1-23</sup>
3. Rejection of claims 1, 12, 14 and 23 and that of claim 8 (see items 2-4 of prior office action paper no. 4) has now been withdrawn.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2311527 in view of GB 2296915.


This rejection is incorporated here by reference from prior office action (item 6, paper no. 4).

6. Applicant's arguments filed May 7, 2002 (paper no. 6) have been fully considered but they are not persuasive.

Instant independent claims require a metal oxide of a mean agglomerate particle size of less than 25 microns ie.  $25 \times 10^3$  nanometers. GB '527 teaches silica powder having a particle size of 3-10 nanometers. <sup>Even</sup> ~~Since~~ if, as the applicants have argued, the particle size of GB '527 is the primary particle size and the primary particles adhere to one another to make aggregates which combine to form agglomerates, it is reasonable to infer that the agglomerates formed from the primary particles of GB '527 (of 10 nanometers each) can be less than 25000 nanometers.

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Examiner is therefore of the opinion that GB '527 does satisfy the claimed particle size limitation.

7. Rejection of claims 1-11 as being anticipated by GB '527 (see item 8 of same Office  action paper no. 4) is now withdrawn.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to U.K. Rajguru whose telephone number is 703-308-3224. The examiner can normally be reached on Monday-Friday from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck, can be reached on (703) 308-2462. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310/9311.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



UKRajguru:evh

8/8/02



NATHAN M. NUTTER  
PRIMARY EXAMINER  
GROUP ~~1230~~ 1711